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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE Bank of America Corp. Auction Rate
Securities Marketing Litigation:

This Document Relates to:

Bondar v. Bank of America Corp., et al.

No. C 08-2599 (JSW)

Aeroflex Inc. v. Bank of America Corp., et al.

No. C 09-5245 (JSW)

MDL No. 09-2014

STIPULATION AND [PROPOSED]
ORDER RESCHEDULING THE
HEARING ON DEFENDANTS'
MOTION TO DISMISS AS MODIFIED

Hon. Jeffrey S. White

Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599 (JSW), Plaintiff Aeroflex Incorporated in the individual action, *Aeroflex Inc. v. Bank of America Corp., et al.*, No. C 09-5425 (JSW) (collectively, "Plaintiffs"), and Defendants Bank of America Corporation, Banc of America Securities LLC, and Banc of America Investment Services, Inc. (collectively, "Defendants"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Defendants' motion to dismiss Plaintiffs' Consolidated Class Action and Individual Complaint for Violations of Federal Securities Laws is currently pending before this Court;

WHEREAS, this Court issued an order on March 29, 2010 setting the hearing on Defendants' motion to dismiss for Friday, October 1, 2010 at 9:00 a.m.;

WHEREAS, Defendants' lead counsel, who attended the hearing on Defendants' previous motion to dismiss, is unavailable on October 1 because he will be participating in an arbitration in New York;

WHEREAS, the next available date on the Court's calendar for the hearing on Defendants' motion to dismiss is Friday, October 8, 2010;

WHEREAS, the parties agree, subject to this Court's approval, to reschedule the

1 hearing on Defendants' motion to dismiss for October 8, 2010 at 9:00 a.m.;

2 **IT IS THEREFORE STIPULATED AND AGREED**, by and between Plaintiffs and
3 Defendants, acting through their respective counsel, subject to this Court's approval, that the
4 hearing on Defendants' motion to dismiss shall be set for Friday, October 8, 2010, at 9:00 a.m.

5
6 Dated: September 17, 2010

7 **GIRARD GIBBS LLP**

8
9 By: /s/ Aaron M. Sheanin
10 Daniel C. Girard, dcg@girardgibbs.com
11 Jonathan K. Levine, jkl@girardgibbs.com
12 Aaron M. Sheanin, ams@girardgibbs.com
13 Christina H. C. Sharp, chc@girardgibbs.com
14 601 California Street, Suite 1400
15 San Francisco, California 94108
16 Tel: (415) 981-4800
17 Fax: (415) 981-4846

18
19 *Attorneys for Class Plaintiffs*

20
21
22
23
24 By: /s/ Stewart H. Foreman
25 Stewart H. Foreman,
26 foreman@freelandlaw.com
27 Daniel T. Bernhard,
bernhard@freelandlaw.com
28 150 Spear Street, Suite 1800
San Francisco, California 94105
Telephone: (415) 541-0200
Facsimile: (415) 495-4332

7 **O'MELVENY & MYERS LLP**

8
9 By: /s/ Jonathan Rosenberg
10 Jonathan Rosenberg, jrosenberg@omm.com
11 B. Andrew Bedmark, abedmark@omm.com
12 7 Times Square
13 New York, New York 10036
14 Tel: (212) 326-2000
15 Fax: (212) 326-2061

16
17 Robert Stern, rstern@omm.com
18 1625 Eye Street NW
19 Washington, DC 20006
20 Tel: (202) 383-5300
21 Fax: (202) 383-5414

22
23
24 Debra S. Belaga, dblaga@omm.com
25 Aaron M. Rofkahr, arofkahr@omm.com
26 Two Embarcadero Center, 28th Floor
27 San Francisco, California 94111
28 Tel: (415) 984-8700
Fax: (415) 984-8701

29 *Attorneys for Defendants*

30
31 **FREELAND COOPER & FOREMAN LLP**

32
33 By: /s/ Stewart H. Foreman
34 Stewart H. Foreman,
35 foreman@freelandlaw.com
36 Daniel T. Bernhard,
bernhard@freelandlaw.com
37 150 Spear Street, Suite 1800
38 San Francisco, California 94105
39 Telephone: (415) 541-0200
40 Facsimile: (415) 495-4332

1 **MOOMJIAN, WAITE, WACTLAR &**
2 **COLEMAN, LLP**

3 Edward S. Wactlar,
ewactlar@mwwcllp.com
4 Jill T. Braunstein,
jbraunstein@mwwcllp.com
5 100 Jericho Quadrangle, Suite 225
Jericho, New York 11753
6 Telephone: (516) 937-5900
Facsimile: (516) 937-5050

7 *Attorneys for Aeroflex Incorporated*

8
9 I attest that concurrence in the filing of this document has been obtained by Aaron M.
10 Sheanin and Stewart H. Foreman.

11 Dated: September 17, 2010
12

13 By: _____/s/
14 Aaron M. Rofkahr
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2 **[PROPOSED] ORDER**
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4 Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that the hearing on
5 October 15, 2010
6 Defendants' motion to dismiss shall be set for Friday, ~~October 8, 2010~~, at 9:00 a.m.
7

8 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**
9

10 Date: September 17, 2010

11 
12 The Honorable Jeffrey S. White
13 United States District Judge
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15 The parties are HEREBY ADVISED that they must notice motions in this case on open and
16 available dates for terminal digits "1" or "2".
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